

[1]

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6133/2006

KHOOB RAM & ORS. Vs. BALBIR & ORS.

DATE: 27.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Dr. P.C. Jain for the petitioners.

This is the second round of litigation. Earlier also the petitioners filed a writ petition before this Court which was registered as S.B. Civil Writ Petition No. 129/1984- Sunda Ram & Others Vs. Balbir & Ors., and this Court vide order dated 12.01.96 disposed of the aforesaid writ petition in the following terms:-

“In view of the facts and circumstances of the case, I do not find any justification to interfere in the order of Board of Revenue. However, on the perusal of the judgment of SDO, I found that no specific reason has been given for holding that Ramdayal is also entitle for 1/3 share in the disputed land. When Ramdayal has sold his share in favour of third party, then the petitioners filed the suit for preemption in civil court and the civil court has decreed the suit in favour of the petitioners. In view of

[2]

these facts how Ramdayal will be entitled for 1/3 share. The SDO, Kishangarh Bas is also directed to give detailed reasons how he has ignored this fact in holding that Ramdayal is also entitled for 1/3 share in the land in question. The SDO, Kishangarh Bas is further directed to dispose of the matter at the earliest but not later than one year. The writ petition is disposed of as indicated."

Since the SDO, Kishgarghbas has not disposed of the matter, the petitioners filed contempt petition before this Court for non-compliance of the order dated 12.01.96 which was registered as S.B. Civil Contempt Petition No. 487/2003 and this Court vide order dated 23.03.2006, dismissed the said contempt petition and given liberty to the petitioners to move fresh writ petition for inaction of the SDO.

The matter pertains to family dispute on agricultural land and pending since 1960 and till date after more than four decades the matter has not been decided by the SDO, even this Court vide order dated 12.01.96 directed the SDO, Kishangarhbas to decide the dispute at the earliest, it is no doubt lapse on the part of the SDO, Kishangarhbas in not deciding the suit in question despite directions issued by this Court.

Therefore, now the SDO, Kishangarhbas is directed to decide the suit in question expeditiously,

[3]

but in any case not beyond the period of six months from the date of receipt of certified copy of this order.

With these observations, the writ petition stands disposed of.

(K.S. RATHORE), J.

/KKC/